

Beatrice B. Nguyen (CSB No. 172961)
bbnguyen@crowell.com
CROWELL & MORING LLP
275 Battery Street, 23rd Floor
San Francisco, California 94111
Telephone: 415.986.2800
Facsimile: 415.986.2827

Daniel A. Sasse (CSB No. 236234)
dsasse@crowell.com
CROWELL & MORING LLP
3 Park Plaza, 20th Floor
Irvine, California 92614
Telephone: 949.263.8400
Facsimile: 949.263.8414

Attorneys for Plaintiff
HEWLETT-PACKARD COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS
ANTITRUST LITIGATION

MDL Docket No. 3:10-md-02143-RS-JCS

This document relates to:

Case No. 3:13-cv-05370-RS
Case No. 3:13-cv-05371-RS

*Hewlett-Packard Company v. Toshiba Corp., et
al.*, No. 3:13-cv-05370-RS

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING CASE
CONSOLIDATION**

*Hewlett-Packard Company v. LG Electronics,
Inc.*, et al., No. 3:13-cv-05371-RS

Hon. Richard Seeborg

1 **WHEREAS**, Crowell & Moring LLP (“Crowell”) filed a lawsuit on behalf of Hewlett-
 2 Packard Company (“HP”), entitled *Hewlett-Packard Company v. Toshiba Corp., et al.*, No. 3:13-
 3 cv-05370-RS (N.D. Cal.) (the “First HP Lawsuit”), which alleges that certain defendants engaged
 4 in a price-fixing conspiracy involving optical disk drives (“ODDs”);

5 **WHEREAS**, Bartlit Beck Herman Palenchar & Scott LLP (“Bartlit”) filed a lawsuit on
 6 behalf of HP, entitled *Hewlett-Packard Company v. LG Electronics, Inc., et al.*, No. 3:13-cv-
 7 05371-RS (N.D. Cal.) (the “Second HP Lawsuit”), which alleges that certain other defendants
 8 engaged in a price-fixing conspiracy involving ODDs;

9 **WHEREAS**, defendants in the First HP Lawsuit and Second HP Lawsuit deny the
 10 allegations that they engaged in a price-fixing conspiracy involving ODDs;

11 **WHEREAS**, the First HP Lawsuit and Second HP Lawsuit each allege that the
 12 defendants in each lawsuit participated in the same alleged conspiracy with each other;

13 **WHEREAS**, certain defendants in the Second HP Lawsuit filed a Motion to Consolidate
 14 the First HP Lawsuit and Second HP Lawsuit (Case No. 3:13-cv-05371-RS, Docket No. 36);

15 **WHEREAS**, HP opposed the Motion to Consolidate (Case No. 3:13-cv-05371-RS,
 16 Docket No. 47) and the Court denied the motion (Case No. 3:13-cv-05371-RS, Docket No. 52);

17 **WHEREAS**, Crowell has since been substituted for Bartlit as HP’s counsel in the Second
 18 HP Lawsuit (Case No. 3:13-cv-05371-RS, Docket No. 61);

19 **WHEREAS**, HP now seeks to consolidate the First HP Lawsuit and Second HP Lawsuit
 20 and defendants do not oppose;

21 **WHEREAS**, consolidation of the First HP Lawsuit and Second HP Lawsuit pursuant to
 22 Federal Rule of Civil Procedure 42(a) will promote judicial efficiency going forward;

23 **NOW THEREFORE, IT IS HEREBY STIPULATED** by and between the undersigned
 24 counsel for the parties as follows:

25 The First HP Lawsuit and Second HP Lawsuit are consolidated for all purposes moving
 26 forward.

27 **IT IS SO STIPULATED.**

1 Dated: December 21, 2015

CROWELL & MORING LLP

2
3 By: **/S/ Beatrice B. Nguyen**

4 Beatrice B. Nguyen
5 Daniel A. Sasse
6 Matthew J. McBurney
7 Nathaniel J. Wood
8 Angela J. Yu

9 *Attorneys for Plaintiff Hewlett-Packard
Company*

10 Dated: December 21, 2015

ROPES & GRAY LLP

11
12 By: **/S/ Jane E. Willis**

13 Jane E. Willis (*pro hac vice*)
14 Prudential Tower
15 800 Boylston Street
16 Boston, MA 02199
17 Telephone: 617-951-7000
18 jane.willis@ropesgray.com

19 Mark S. Popofsky (SBN 175476)
20 2099 Pennsylvania Avenue, NW
21 Washington, DC 20006
22 Telephone: 202-508-4600
23 mark.popofsky@ropesgray.com

24 Michelle L. Visser (SBN 277509)
25 Three Embarcadero Center
26 San Francisco, CA 94111
27 Telephone: 415-315-6300
28 michelle.visser@ropesgray.com

*Attorneys for Defendants Hitachi-LG Data
Storage, Inc. and Hitachi-LG Data Storage
Korea, Inc.*

1 Dated: December 21, 2015

EIMER STAHL LLP

2
3 By: **/S/ Nathan P. Eimer**

4 Nathan P. Eimer
5 Vanessa G. Jacobsen
6 Arin C. Aragona
7 Ameri R. Klafeta
8 224 S. Michigan Avenue, Suite 1100
9 Chicago, IL 60604
10 Telephone: 312-660-7600
11 neimer@eimerstahl.com
12 vjacobsen@eimerstahl.com
13 aaragona@eimerstahl.com
14 aklafeta@eimerstahl.com

15 *Attorneys for Defendants*
16 *LG Electronics, Inc. and LG Electronics USA,*
17 *Inc.*

18 Dated: December 21, 2015

ASIA LAW

19 By: **/S/ Christopher Neumeyer**

20 Christopher Neumeyer
21 17F, Suite B, No. 167, Dunhua North Road
22 Taipei 10549
23 Telephone: 886-2-2717-1999
24 chrisneumeyer@asialaw.biz

25 *Attorneys for Defendant*
26 *Quanta Storage, Inc.*

1 Dated: December 21, 2015

LATHAM & WATKINS LLP

2
3 By: **/S/ Belinda S. Lee**

4 Belinda S. Lee
5 Daniel M. Wall
6 Brendan A. McShane
7 505 Montgomery Street, Suite 2000
8 San Francisco, CA 94111
9 Telephone: 415-391-0600
10 belinda.lee@lw.com
11 dan.wall@lw.com
12 brendan.mcshane@lw.com

13 *Attorneys for Defendants*
14 *Toshiba Corporation; Toshiba Samsung*
15 *Storage Technology Corp.; Toshiba Samsung*
16 *Storage Technology Korea Corp.; and Toshiba*
17 *America Information Systems Inc.*

18 Dated: December 21, 2015

O'MELVENY & MYERS LLP

19 By: **/S/ Ian Simmons**

20 Ian Simmons
21 1625 Eye Street, NW
22 Washington, DC 20006
23 Telephone: 202-383-5300
24 isimmons@omm.com

25 James M. Pearl
26 1999 Avenue of the Stars, 7th Floor
27 Los Angeles, CA 90067
28 Telephone: 310-553-6700
jpearl@omm.com

Attorneys for Defendants
Samsung Electronics Co., Ltd. and Samsung
Electronics America, Inc.

1 Dated: December 21, 2015

WINSTON & STRAWN LLP

2
3 By: **/S/ Robert B. Pringle**

4 Robert B. Pringle
5 Paul R. Griffin
6 Matthew R. DalSanto
7 Sean D. Meenan
8 101 California Street
9 San Francisco, CA 94111
10 Telephone: 415-591-1000

11 rpringle@winston.com
12 pgriffin@winston.com
13 mdalsanto@winston.com
14 smeenan@winston.com

15 *Attorneys for Defendant*
16 *NEC Corporation*

17 Dated: December 21, 2015

WINSTON & STRAWN LLP

18 By: **/S/ A. Paul Victor**

19 A. Paul Victor
20 David L. Greenspan
21 Jeffrey L. Kessler
22 George Mastoris
23 James F. Lerner
24 Elizabeth A. Cate
25 Susannah P. Torpey
26 200 Park Avenue
27 New York, NY 10166
28 Telephone: 212-294-6700
pvector@winston.com
dgreenspan@winston.com
jkessler@winston.com
gmastoris@winston.com
jlerner@winston.com
ecate@winston.com
storpey@winston.com

Attorneys for Defendants
Panasonic Corporation and Panasonic
Corporation of North America

1 Dated: December 21, 2015

BOIES, SCHILLER & FLEXNER LLP

2
3 By: /S/ John F. Cove, Jr.

4 John F. Cove, Jr.
5 Beko Reblitz-Richardson
6 Steven C. Holtzman
7 Kieran P. Ringgenberg
8 1999 Harrison Street, Suite 900
9 Oakland, CA 94612
10 Telephone: 510-874-1000
11 jcove@bsflp.com
12 brichardson@bsflp.com
13 sholtzman@bsflp.com
14 kringgenberg@bsflp.com

15 *Attorneys for Defendants*
16 *Sony Corporation; Sony Optiarc America, Inc.;*
17 *Sony Optiarc, Inc.; and Sony Electronics Inc.*

18 Dated: December 21, 2015

KATTEN MUCHIN ROSEMAN LLP

19 By: /S/ Mary Ellen Hennessy

20 Mary Ellen Hennessy
21 Aharon S. Kaye
22 525 W. Monroe Street
23 Chicago, IL 60661
24 Telephone: 312-902-5200
25 maryellen.hennessy@kattenlaw.com
26 aharon.kaye@kattenlaw.com

27 *Attorneys for Defendants*
28 *Teac Corporation and Teac America Inc.*

FILER ATTESTATION

Pursuant to Rule 5-1(i)(3) of the Local Rules of Practice in Civil Proceedings Before the United States District Court for the Northern District of California, I, Beatrice B. Nguyen, hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: December 21, 2015

CROWELL & MORING LLP

By: /S/ Beatrice B. Nguyen

Beatrice B. Nguyen

*Attorneys for Plaintiff Hewlett-Packard
Company*

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/4/16



Honorable Richard G. Seeborg
United States District Judge

CERTIFICATE OF SERVICE

In accordance with Rule 5-5 of the Local Rules of Practice in Civil Proceedings Before the United States District Court for the Northern District of California, I, Beatrice B. Nguyen, hereby certify under penalty of perjury under the laws of the United States of America that on December 21, 2015, a true copy of the above document was filed through the Court's Case Management/Electronic Case Filing ("CM/ECF") System and served by that System upon all counsel of record registered for the System and deemed to have consented to electronic service in the above-captioned case. Any other counsel of record will be served by electronic mail and/or first-class mail on the same date.

Dated: December 21, 2015

CROWELL & MORING LLP

By: /S/ Beatrice B. Nguyen

Beatrice B. Nguyen

*Attorneys for Plaintiff Hewlett-Packard
Company*